

CC 98-170

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

National Exchange	)
Carrier Association, Inc.	)
	)
National Telephone Cooperative	)
Association, Inc.	)
	)
Organization for the Promotion	)
and Advancement of Small	)
Telecommunications Companies	)
	)
	)
Joint Petition for Expedited Interim	)
Waiver of Section 64.2401 of the	)
Commission's Rules	)

RECEIVED

OCT 26 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Joint Petition for Expedited Interim Waiver**

The National Exchange Carrier Association, Inc. (NECA), the National Telephone Cooperative Association, Inc. (NTCA), and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) (hereinafter the Associations) request, on behalf of their member companies, expedited interim waiver (until April 1, 2000) of certain portions of section 64.2401 of the Commission's "truth-in-billing" rules, which are scheduled to take effect on November 12, 1999.<sup>1</sup> Interim waiver is needed because many small telephone companies have indicated that the additional programming changes needed to comply fully with the rules may jeopardize their year 2000 (Y2K) remediation efforts.

<sup>1</sup> See In the Matter of Truth-in-Billing and Billing Format, CC Docket 98-170, First Report and Order and Further Notice of Proposed Rulemaking; FCC 99-72, rel. May 11, 1999, 64 Fed. Reg. 34488 (1999); Errata, CC Docket 98-170, DA 99-2092, (rel. Oct. 6, 1999), 64 Fed. Reg. 56177 (1999).

## **Background**

In April 1999, the Commission adopted particular truth-in-billing rules that require telecommunications carriers to provide certain basic information to consumers. The new rules will enable consumers to make informed choices regarding telecommunications services and providers, protect consumers against unfair billing practices, and enhance consumers' abilities to detect cramming and slamming.<sup>2</sup>

Following promulgation of the new rules, the federal Office of Management and Budget expressed its concern that some of the requirements of the Commission's truth-in-billing Order "could impair the efforts of some telecommunications carriers and providers, particularly small and medium-sized carriers, to ensure that their systems are Y2K compliant". Consequently, the Commission deferred until April 1, 2000 the effective date for compliance with rule 64.2401(a)(1)'s requirement that carriers highlight new service providers, and rule 64.2401(c), which requires that carriers identify deniable and non-deniable charges.<sup>3</sup>

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<sup>2</sup> The new rules specify that bills must be clearly organized, including both the name of the service provider associated with each charge, and a description of billed charges. When charges for two or more service providers appear on a bill, the billing entity must separate the charges by service provider. In the event there is a change in a service provider, a clear and conspicuous notification of such change must appear on the bill. In cases when a bill includes charges for both basic local service and other charges, carriers must clearly indicate when non-payment of certain charges will result in disconnection of basic, local service. Finally, telephone bills must clearly and conspicuously display any information a customer may need to contest charges, or inquire about a bill. See 47 C.F.R. § 64.2401 (a) through (d).

<sup>3</sup> See Enforcement Division of the Common Carrier Bureau Announces Effective Date of Truth-in-Billing Requirements in CC Docket 98-170, *Public Notice*, DA 99-2030 (rel. Sept. 30, 1999)(Public Notice). These rules are also in part the subject of a Petition for Reconsideration filed recently by Unites States Telecom Association. See In the Matter of Truth-in-Billing and Billing Format, CC Docket 98-170, The United States Telephone Association's Petition for Reconsideration, filed July 26, 1999. Additionally, various other parties have petitioned the Commission for relief from the requirements of the truth-in-billing rules. See, e.g., In the Matter of Truth-in-Billing and Billing Format, CC Docket 98-170, Petition for an Expedited, Temporary Waiver of Cable Plus, L.P. and MultiTechnology Services, L.P., filed July 20, 1999;

Herein, the Associations request an additional interim waiver of the requirement that carriers separate charges on bills by service provider to the extent such identification is mandated by sections 64.2401(a)(1) and (2), and section 64.2401(d)<sup>4</sup>. In typical practice today, carriers occasionally bill customers for incidental (non-presubscribed) use of interexchange service. In many cases, these services are provided by carriers that share carrier identification codes (CICs) with other carriers through a clearinghouse arrangement. The exchange carrier may receive data from the clearinghouse, which are aggregated on a section of the customer bill.

In order to identify individual service providers involved in these arrangements, many small and mid-size LECs will need to re-program their billing systems to read "sub-CIC"<sup>5</sup> information that identifies individual service providers. Unfortunately, many small and mid-size LECs are currently in the process of re-programming billing systems to assure compliance with Y2K standards, or have recently completed Y2K remediation efforts. If the Commission insists on full compliance with truth-in-billing rules by November 12<sup>th</sup>, these carriers will be forced to re-program many of the same systems and

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and In the Matter of Truth-in-Billing and Billing Format, CC Docket 98-170, Petition for Stay or Waiver and Partial Clarification of Sprint Corporation, filed July 26, 1999.

<sup>4</sup> Section 64.2401(a) specifies, in part, that telephone bills shall be clearly organized, and must comply with the following requirements: (1) the name of the service provider associated with each charge must be clearly identified on the telephone bill. (2) where charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider, and the billing entity must provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new provider has begun providing service. Section 64.2401(d) provides for clear and conspicuous disclosure of information the customer may need in order to inquire about, or contest charges on a bill. See 47 C.F.R. 64.2401(a) and (d).

<sup>5</sup> Sub-CICs are secondary carriers sharing CICs with other carriers, and whose identities are passed from the clearinghouse to the billing carrier.

software. For some carriers, this may not be an infeasible task. For the majority of small and mid-size LECs, however, this additional requirement may needlessly threaten, and possibly undo Y2K preparedness efforts if carriers are not relieved of the imminent truth-in-billing deadline.<sup>6</sup>

### **Waiver Request**

Accordingly, the Associations respectfully ask the Commission to waive the separate service provider identification requirement, and disclosure of billing inquiry information requirements of section 64.2401 of the Commission's rules until April 1, 2000. Waiver is needed only on an interim basis, and only to the extent that compliance with the provider identification and billing inquiry disclosure requirements will necessitate software and computer programming changes.

Small and mid-sized carriers are diligently responding to the critical requirements of Y2K rollover, and they recognize the importance of implementing the Commission's new truth-in-billing rules. The requested waiver will not relieve carriers of the obligations of section 64.2401<sup>7</sup>; it will only provide limited additional time to meet them. No end user customer will be harmed by grant of the waiver, nor will it provide a competitive advantage to any one carrier or type of carrier over another. Carriers will continue to provide necessary information to address customers' billing

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<sup>6</sup> NECA's subsidiary, Independent NECA Services, Inc. (INS), reports that nearly two hundred of its client telephone companies have written to express their concerns about the potential effects of making additional modifications at this time to systems that have recently or soon will be modified for the Y2K rollover. Some of these small carriers also expressed their concerns about having to re-deploy the same staff and other resources, to make truth-in-billing modifications, which are now engaged in making Y2K changes. A list of these companies is attached to this filing.

<sup>7</sup> See 47 C.F.R. 64.2401.

inquiries about casual calls, at least at the "call aggregator" level, and will steadily work toward full implementation of section 64.2401 by April 1, 2000.

The requested waiver is in the public interest. When it adopted its Year 2000 Network Stabilization Policy Statement, the Commission said it would consider requests for "stays of regulatory requirements as a precaution against potentially disruptive non-Year 2000-related modifications and upgrades made to various systems and networks."<sup>8</sup> From a practical point of view, delaying implementation of requirements of the truth-in-billing rules, to the extent that implementation requires computer programming changes, would be a reasonable safeguard against just such a "non-Year 2000-related" regulatory requirement, and would be consistent with the Commission's decision to delay sections 64.2401(a)(1) and 64.2401(c) of its rules.

Grant of this interim waiver will allow carriers to continue, as necessary, to devote the needed resources to Y2K remediation efforts. The waiver would also eliminate the risk of additional non-Y2K related programming changes for a reasonable period of time, during which the effects of the rollover will be experienced and addressed. Carriers may then more fully direct their efforts to compliance with the requirements of section 64.2401 of the Commission's rules.

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<sup>8</sup> See FCC Adopts Year 2000 Network Stabilization Policy Statement to Facilitate Y2K Compliance, *Public Notice*, FCC 99-272, (rel. Oct. 4, 1999).

Given the short amount of time remaining before the November 12 deadline, the Associations respectfully request grant of this waiver on an expedited basis.

Respectfully submitted,

October 26, 1999

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## Amelia Telephone Co

## Arcadia Telephone Co

**Arcadia Telephone Company**

Arizona Telephone Co

Arthur Mutual Telephone Company

# Arvig Telephone Co

Asotin Telephone Co - OR

Asotin Telephone Co - WA

**Ayshire Farmers Mutual Telephone Company**

**Badger Telecom, Inc.**

Ballard Rural Telephone Coop, Corp.

## Barnardsville Telephone Co

BB&amp;W Telephone Co

**Bixby Telephone Co.**

## Black Earth Telephone Co

## Blackduck Telephone Company

Blue Ridge Telephone Co

**Bonduel Telephone Co**

Bridge Water Telephone Co

Buggs Island Telephone Coop

Butler Telephone Co

**Calhoun City Telephone Co**

Camden Telephone and Telegraph Co

Camden Telephone Co

Cannon Valley Telecom, Inc

Central State Telephone Co

Central Texas Telephone Cooperative, Inc

Chatham Telephone Co

Chichester Telephone Co

Chickamauga Telephone Corporation

## Citizen's of Kecksburg

**Cleveland County Telephone Co**

## Columbus Tel Company

**Comanche County Telephone Company**

Comm Corp Of Indiana

Comm Corp Of Michigan

## Comm Corp Of Southern Indiana

## Concord Telephone Exchange

Continental Telephone Co

## Craigville Telephone Co.

**Cumberland Telephone Company**

## Danube Telephone Co

**Danville Mutual Telephone Company**



**Attachment - Petition of NECA, NTCA, and OPASTCO for Expedited Interim Waiver**

Filed October 26, 1999

**Company Name**

Decatur Telephone Co

Defiance Telephone Company

Delta County Tele-Comm Inc

Deposit Telephone nCo

Diamond Telephone Services, Inc.

Doylestown Telephone Company

Eastcoast Telecom, Inc

Edwards Telephone Co

Farmers Mutual of Shellsburg

Farmers Telephone+A54 Coop (AL)

Federated Telephone Coop

Federated Utilities, Inc.

Fort Mojave Telecommunications, Inc.

FultonTelephone Company, Inc.

Golden West Telecommunications, Coop

Goshen Telephone Co

Graceba Total Communications

Grantland Telecom Inc

Grove Hill Telephone Co

Gulf Pines

Halstad Telephone Company

Hampden Telephone Co

Happy Valley Telephone Co

Harrisonville Telephone Company

Hartland &amp; St. Albans Telephone Co

Home Telco of Pittsboro

Home Telco of Waldron

Home Telephone Co

Horizon Chillicothe Telephone

Hornitos Telephone Co

Hospers Telephone Company

Humphrey's County Telephone Co

Interstate 35 Telephone Company

INTOP, Inc

Island Telephone Co

ITS Telecommunications Systems

Kalida Telephone Company

Kaplan Telephone Company, Inc.

Kearsarge Telephone Co

KMP Telephone Co

Leslie County Telephone Co

Lewis River Telephone Co

Lewisport Telephone Co

Liberty Communictions

Little Miami Communications Corp

Logan Telephone Coop

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**Company Name**

Ludlow Telephone Co

Mahanoy &amp; Mahantango Telephone Co

Manilla Telephone Company

McClellanville Telephone Co

McDaniel Telephone Co

McLoud Telephone Company

Meriden Telephone Co

Mid State Telephone Co

Mid-America Telephone Co

Mid-Iowa Telephone Co-op Assoc.

Midway Telephone Co

Mound Bayou Telephone &amp; Communications, Inc.

Mt. Vernon Telephone Co

Myrtle Telephone Co

Nelson Ballground Telephone Co

New Castle Telephone Co

New London Telephone Co

North Texas Telephone Company

Northfield Telephone Co

Northwest Tel Coop

Norway Rural Telephone Company

Norway Telephone

Oakman Telephone Co

Oakwood Telephone Co

Oklahoma Communications Systems

Oklahoma Tel &amp; Telegraph

Orchard Farm Telephone Co

Oriskany Falls Telephone Corp

Park Region Mutual Telephone Co.

Pembroke Telephone Coop.

Peoples Telephone Co

Perkinsville Telephone Co

Piedmont Telephone Membership Corp.

Pioneer Communications (KS)

Port Byron Telephone Co

Potlatch Telephone Co

Progressive Rural Telephone Coop

Puerto Rico Telephone Company

Quincy Telephone Co - FL

Quincy Telephone Co - GA

Randolph Telephone Company

Randolph Telephone Membership Corp

Range Telephone Coop

Readlyn Telephone Company

River Valley Telephone Coop.

Riverside Telecom Inc

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**Company Name**

Ruthven Telephone Exchange

S&amp;W Telephone Co

Salem Telephone Co

Saluda Mountain Telephone Co

Sandhill Telephone Cooperative, Inc.

Scandinavia Telephone Co

Service Telephone Co

Shiawassee Telephone Co

Somerset Telephone Co

Southeast Mississippi Telephone

Southeastern Indiana Rural

Southern Kansas Telephone Company

Southwestern Telephone Co

Springville Co-op Telephone Assoc., Inc.

St. Stephen Telephone Co

Star Telephone Company, Inc.(LA)

Stockbridge &amp; Sherwood Telephone

Stoutland Telephone Co

Strasburg Telephone Co

Sugar Valley Telephone Co

Surry Telephone Membership Corp

Swisher Telephone Company

Sycamore Telephone Company

Telephone Service Co.

Tellico Telephone Co

Tennessee Telephone Co

Tenney Telephone Co

The Island Telephone Co

Tipton Telephone Co

Titonka-Burt Communications

Township Telephone Co

Tri-County Tel Memb

Tri-County Telephone Co - IN

Troy Telephone Co

Utelco, Inc

Van Horne Coop Telephone

Vanlue Telephone Co

Vaughnsville Telephone Company

Vernon Telephone Co

Virginia Telephone Co

Walnut Telephone Company

Warren Telephone Co

Waunakee Telephone Co

West Central Tel

West Penobscot Telephone Co

Wilkes Telephone Membership Corp

**Attachment - Petition of NECA, NTCA, and OPASTCO for Expedited Interim Waiver**

Filed October 26, 1999

***Company Name***

Williston Telephone Co

Winsted Telephone Co

Winterhaven Telephone Co

Wolverine Telephone Co

Wyandotte Telephone Co

Yadkin Valley Telephone Membership Corp

## CERTIFICATE OF SERVICE

I hereby certify that copy of the Joint Petition for Expedited Interim Waiver was served this 26th day of October 1999, by hand delivery or first class mail, to the persons listed below.

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